

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GREGORY COLBURN et al.,

Defendants.

No. 1:19-cr-10080-NMG

**DEFENDANT JOHN WILSON'S MOTION FOR LEAVE TO FILE
REPLY IN SUPPORT OF HIS MOTION FOR LEAVE TO FILE EX
PARTE AND UNDER SEAL**

Defendant John Wilson hereby moves the Court to allow him to file a nine-page reply brief in support of his request, in docket entry 1437, to file a memorandum and two affidavits under seal and, in part, ex parte. The following paragraphs describe the reasons supporting leave to file a reply.

Wilson filed a formal motion for suppression and other remedies to counteract improper actions through which the government obtained and executed a warrant to search Wilson's email server (docket entry 1437). This motion was a single document consisting of 2.5 pages of narrative that explained the relief requested, but did not contain any legal analysis or supporting evidence. As part of the motion, Wilson made a preliminary request for leave to file a supporting memorandum of law and two affidavits under seal and, in part, ex parte. In pre-motion correspondence, the government "reserved its rights," but otherwise took no position.

After Wilson filed his formal 2.5-page motion, and was awaiting the Court's ruling on how to file the supporting memorandum of law and factual affidavits, the government filed a seven-page opposition (docket entry 1447) that sets forth new positions and arguments. The government now objects to any impounded filings; furthermore, it asks the Court to take the

dramatic measure of denying Wilson's motion for suppression and other remedies without even receiving and reviewing the briefing materials in which Wilson presents the facts, authorities, and analysis that support his requests. The government's newly formulated position relies on incorrect guesses regarding Wilson's arguments and on an incomplete view of the case law.

Wilson therefore seeks to file a reply brief addressing the government's new arguments, and further explaining his request to file under seal and, in part, ex parte. A copy of the proposed reply brief is attached to the instant Motion.

Respectfully submitted:

Counsel to John Wilson:

/s/ Michael Kendall

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULES 7.1 AND 112.1

I hereby certify that, before filing this motion, defense counsel attempted in good faith to confer with the government to resolve or narrow the issues.

/s/ Michael Kendall
Michael Kendall

CERTIFICATE OF SERVICE

This Motion is being filed on the date appearing in the header through the ECF system, which will provide electronic copies to counsel of record.

/s/ Michael Kendall
Michael Kendall